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November 13, 2007

### VIA CM/ECF AND HAND DELIVERY

The Honorable Sue L. Robinson  
United States District Court of Delaware  
844 N. King Street  
Wilmington, DE 19801

Re: *Quill v. Catholic Diocese of Wilmington, Inc., et al.*,  
C.A. No. 07-435-SLR


Dear Judge Robinson:

I write on behalf of Defendants Catholic Diocese of Wilmington, Inc., Bishop Michael A. Saltarelli, and St. Elizabeth's Church in the above-captioned action. Pursuant to the Court's October 22, 2007 Order for Scheduling Conference, enclosed for Your Honor's review is a proposed Scheduling Order which reflects the respective positions of the parties regarding the case schedule.

Unfortunately, the parties were not able to reach agreement on the form of this submission, because Defendants do not believe it is appropriate to include in the proposed scheduling order any argument in support of the parties' respective positions, or any characterization of the pending motions.

Counsel is available should Your Honor have any questions regarding this matter.

Respectfully submitted,



Anthony G. Flynn (DE Bar #74)

cc: Thomas S. Neuberger, Esquire  
Thomas C. Crumplar, Esquire  
Mark L. Reardon, Esquire  
Stephen P. Casarino, Esquire



4. All internal processes and prerequisites for ordaining, training, supervising and retaining priests.
5. All internal processes and prerequisites for hiring, training, supervising and retaining teachers.
5. Internal Organizational Structures.
6. Personnel and Medical Files of Francis G. DeLuca.
7. Notice or Knowledge of Francis G. DeLuca's misconduct.
8. Breach of Duties to Plaintiff.
9. Records, actions, or decisions of the Defendants concerning priest misconduct.
10. Contractual or quasi-contractual duties between defendants and plaintiffs' parents.
11. Insurance Policies and Coverage.
12. Elements of compensatory damages.
13. Elements of punitive damages.

Statement of Defendant Catholic Diocese of Wilmington, Inc.:

1. Plaintiff's background, and his personal, educational, employment and health history.
2. Plaintiff's military record.
3. Plaintiff's medical records and current course(s) of treatment.
4. Plaintiff's contacts with Fr. DeLuca, including witnesses to such contacts.

5. The alleged contacts of plaintiff's family with Fr. DeLuca, including witnesses to such contacts.

6. The factual basis for plaintiff's testimony to the Delaware General Assembly in support of the Child Victim's Act, including, without limitation, the purported civil suits filed against Fr. DeLuca in 1958 in Indiana and in Eastern Maryland in 1960.

7. The factual basis for the purported agency relationship between Fr. DeLuca and the Diocese.

8. The factual basis for the purported fiduciary relationships between and among plaintiff and his parents, Fr. DeLuca, the Diocese and Defendant St. Elizabeth's Catholic Church ("St. Elizabeth's").

8. The factual basis for the purported contractual relationship between plaintiff's parents and the Diocese and St. Elizabeth's, and the alleged breaches of such contracts.

10. The alleged foreknowledge of St. Elizabeth's of the prior misconduct of Fr. DeLuca.

11. Actions taken by St. Elizabeth's to supervise Fr. DeLuca.

12. The alleged memory repression or traumatic amnesia suffered by plaintiff.

13. Plaintiff's injuries, and his alleged pecuniary and non-pecuniary damages.

Statement of Defendant St. Elizabeth's Catholic Church:

1. St. Elizabeth's adopts the Areas of Discovery enumerated by Defendant Catholic Diocese of Wilmington, Inc.

2. The alleged foreknowledge of the Diocese of the prior misconduct of Fr. DeLuca.
3. Actions taken by the Diocese to supervise and place Fr. DeLuca.
4. The purported agency relationship between between Fr. DeLuca and St. Elizabeth's.
5. The extent of plaintiff's injuries and the proximate cause, if any, from the actions of St. Elizabeth's.

(b) All discovery shall be commenced in time to be completed by **December 31, 2007 [Plaintiff's Proposal]**.

All fact discovery shall be commenced in time to be completed by **September 1, 2008**, and all expert discovery shall be commenced in time to be completed by **November 15, 2008. [Defendants' Proposal]**

- (c) Maximum of **25** interrogatories by each party to any other party.
- (d) Maximum of **50** requests for admission by each party to any other party.
- (e) Maximum of **15** depositions by plaintiff and **15** depositions by all the defendants, except experts.

(f) With the exception of the parties, each deposition will be limited to a maximum of **7** hours unless extended by agreement of the parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **January 1, 2008 [Plaintiff's Proposal] / October 1, 2008 [Defendants' Proposal]**. Rebuttal expert reports due by **January 15, 2008 [Plaintiff's Proposal] / November 1, 2008 [Defendants' Proposal]**.

(h) **Discovery Disputes.** Any discovery disputes shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of the Pleadings, and Class Certification.**

All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **December 1, 2007 [Plaintiff's Proposal] / February 1, 2008 [Defendants' Proposal]**.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

**5. Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **January 15, 2008 [Plaintiff's Proposal] / October 1, 2008 [Defendants' Proposal]**. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of court.

**6. Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any nondispositive motions shall contain the statement required by D. Del. LR 7.1.1.**

**7. Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one**

**week before pretrial conference].** Any *Daubert* motions shall be filed on or before December 15, 2008. **[Defendants' Proposal]**

8. **Pretrial Conference.** A pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a **5 day [Plaintiff's Proposal] / 10 day [Defendants' Proposal]** jury trial commencing on \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of **27.5 [Plaintiff's Proposal]/ \_\_\_\_\_ [Defendants' Proposal]** hours in which to present their respective cases.

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UNITED STATES DISTRICT JUDGE